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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,552	03/18/2004	Roger Detzler	DETZLER-001XX	5671
24998	7590	11/29/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			KLIMOWICZ, WILLIAM JOSEPH	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2652	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,552	Applicant(s) DETZLER, ROGER	
	Examiner William J. Klimowicz	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-13, 16-21 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 16-18, 21, 23, 24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-13, 19, 20, 25, 27-32 and 34-43 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Status

Claims 1-3, 6-13, 16-21 and 23-43 are currently pending.

Claims 4, 5, 14, 15 and 22 have been voluntarily cancelled by the Applicant.

Claim Objections

Claims 16, 17, 28 and 37 are objected to because of the following informalities and appropriate correction is required.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2nd paragraph:

- (i) Claim 16 (line 10-11; see also line 24), "the data storage media."
- (ii) Claim 17 (line 3), "the data storage media."
- (iii) Claim 28 (line 2) "said phone system."
- (iv) Claim 37 (line 2) "said phone system."

Claim Rejections - 35 USC § 112

Claims 25, 35 and 43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to newly presented claim 25, the recitation of “causing the first and second reactant chemicals to mix occurs prior to said step of applying the first and second reactant chemicals” does not appear to have support in the disclosure as originally filed.

With regard to newly presented claim 35, the recitation of “wherein the remote signal indicates a location of the activation device” does not appear to have support in the disclosure as originally filed.

With regard to newly presented claim 43, the recitation of “receiving a signal from a remote source comprises a signal indicating a location” does not appear to be supported by the disclosure as originally filed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-13, 19, 20, 32, 34, 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Shim (US 2003/0131255 A1).

As per claims 1 and 11, Shim (US 2003/0131255 A1) discloses a system for rendering data stored on a data storage device (210) unrecoverable upon the occurrence of a certain event, and a method for rendering data stored on a data storage device unrecoverable upon the occurrence of a certain event, the system/method comprising: a reactant reservoir (e.g., 471) including at least one chamber (471) for holding a reactant chemical (see paragraph [0081]), the reactant reservoir in fluid communication with at least an area proximate at least one surface (522a, 522b) of said data storage device (210); and an activation device (300), coupled to said reactant reservoir (471) and configured to receive a remote signal ("wireless" transmitting - see paragraph [0063]) and, upon receiving said remote signal, to cause (see paragraphs [0062], [0062]) at least a portion of the reactant chemical to flow from the reactant reservoir (471) into the at least an area proximate at least one surface of said data storage device (210), thereby destroying the stored data (see paragraph [0081] *et. seq.*).

As per claims 3 and 13, wherein the reactant reservoir (471) is an aerosol reservoir that sprays the reactant chemical as a mist into the at least an area proximate at least one surface of said data storage device (210) (see paragraphs [0082], [0086]).

As per claims 7 and 19, wherein the reactant chemical is applied on at least one surface of the data storage device (210).

As per claim 8, wherein a chemical supply line is operatively mounted between and in fluid communication with the reactant reservoir (471) and at least one nozzle (475) proximate the at least one surface (522a, 522b) of said data storage device (210).

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As per claim 9, wherein the reactant chemical applied to the data storage device corrodes it, thereby destroying the stored data (see paragraph [0082]).

As per claim 10, further including a stopper device (472) for controlling the flow of the reactant chemical from the reactant reservoir (471).

As per claim 20, further including the act of providing notification that the destruction of the data contained on the data storage media (210) has commenced (e.g., an alarm signal as seen in FIG. 2).

As per claims 2 and 12, wherein applying the reactant chemical further comprises combining a first part and a second part which when combined, produces the reactant chemical (e.g., see paragraph [0082] on page 12, "and/or mixtures thereof" and paragraph [0086], "the foregoing chemical agents may be delivered mixed ..." in conjunction with the recitation of "at least one chamber" as set forth in paragraph [0083].

As per claims 32, 34, 41 and 42, see paragraph [0063} (wireless transmission).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim (US 2003/0131255 A1).

See the description of Shim (US 2003/0131255 A1), *supra*.

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As per claims 31 and 40, although Shim (US 2003/0131255 A1) does not expressly mention the particularly type of wireless transmission as being expressly the short-range type known as “blue-tooth,” given the express teachings of Shim (US 2003/0131255 A1) as providing such an activation device as being of a wireless transmission type in paragraph [0063] and given the knowledge of one skilled in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the application of the wireless transmission activator of Shim (US 2003/0131255 A1) as being “Bluetooth enabled.”

More concretely, Official notice is taken that Bluetooth enabled wireless devices are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the wireless activator of Shim (US 2003/0131255 A1) as being “Bluetooth” enabled.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the wireless activator of Shim (US 2003/0131255 A1) as being “Bluetooth” enabled in order to allow short-range wireless capability between PANS (personal area networks), PDAs (personal digital assistants), etc. to provide the wireless activation in the manner of self-destruction data activation, as taught and suggested by Shim (US 2003/0131255 A1).

Claims 27, 28, 30, 36, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim (US 2003/0131255 A1) in view of McBrearty et al. (US 2002/0129152 A1).

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See the description of Shim (US 2003/0131255 A1), *supra*.

As per claim 27 and 36, Shim (US 2003/0131255 A1) does not expressly disclose wherein the activation device is configured to receive remote signals from phone systems (including cell phones as per claim 28 and 37); and/or the Internet (claim 30 and 39).

Such remote data self-destruction signaling is, however, a concept that is notoriously old and well in the art. As just a specific example, McBrearty et al. (US 2002/0129152 A1) discloses wherein the self-destruction of digital computer-saved data is brought about via a computer receiving signals from the Internet (including via dial-up phone service).

Given such general and well known knowledge in the art, as exemplified by McBrearty et al. (US 2002/0129152 A1), and the teachings and suggestions of Shim (US 2003/0131255 A1) as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the remote-signal activation as being a signal received via the Internet, and/or phone including well known cell phones, when given the general knowledge of one having ordinary skill in the art when viewing the application of McBrearty et al. (US 2002/0129152 A1) to Shim (US 2003/0131255 A1) as a whole.

The rationale is as follows: Given such general and well known knowledge in the art, as exemplified by McBrearty et al. (US 2002/0129152 A1), and the teachings and suggestions of Shim (US 2003/0131255 A1) as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the remote-signal activation as being a signal received via the Internet, and/or phone including well known cell phones, when given the general knowledge of one having ordinary skill in the art when viewing the application of McBrearty et al. (US 2002/0129152 A1) to Shim (US 2003/0131255 A1) as a whole, in order to

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prevent an unauthorized user from requesting data remotely, whereby secretive information is self-destructed upon receiving such a remote signal, as is taught and suggested by McBrearty et al. (US 2002/0129152 A1) as applied to Shim (US 2003/0131255 A1).

Claims 29, 35, 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim (US 2003/0131255 A1) in view of Murphy (US 5,786,773).

See the description of Shim (US 2003/0131255 A1), *supra*.

As per claim 29, 35, 38 and 43, Shim (US 2003/0131255 A1) does not expressly disclose wherein the activation device is configured to receive remote signals from GPS systems.

Such remote data self-destruction signaling is, however, a concept that is notoriously old and well in the art. As just a specific example, Murphy (US 5,786,773) discloses wherein the self-destruction of digital computer-saved data is brought about via a computer receiving signals from a GPS based system (e.g., see, *inter alia*, COL. 20, lines 8-27).

Given such general and well known knowledge in the art, as exemplified by Murphy (US 5,786,773), and the teachings and suggestions of Shim (US 2003/0131255 A1) as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the remote-signal activation as being a signal received via a GPS system, when given the general knowledge of one having ordinary skill in the art when viewing the application of Murphy (US 5,786,773) to Shim (US 2003/0131255 A1) as a whole.

The rationale is as follows: Given such general and well known knowledge in the art, as exemplified by Murphy (US 5,786,773), and the teachings and suggestions of Shim (US 2003/0131255 A1) as a whole, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to provide the remote-signal activation as being a signal received via a GPS system, when given the general knowledge of one having ordinary skill in the art when viewing the application of Murphy (US 5,786,773) to Shim (US 2003/0131255 A1) as a whole, in order to prevent an unauthorized user from requesting data remotely, whereby secretive information is self-destructed upon receiving such a remote signal, as is taught and suggested by Murphy (US 5,786,773) as applied to Shim (US 2003/0131255 A1).

Response to Arguments

Applicant's arguments filed October 5, 2005 have been fully considered but they are not persuasive with regard to the pending rejected claims.

The Applicant alleges that Shim (US 2003/0131255 A1) does not expressly disclose wherein an activation device requires a remote signal; the Applicant maintains that Shim (US 2003/0131255 A1) merely disclose activation via a "proximate signal." See page 15 of Applicant's response filed on October 5, 2005.

The Examiner respectfully disagrees with the Applicant's assertion. More concretely, as set forth by Shim (US 2003/0131255 A1) at paragraph, the activation can occur in a wireless transmitter embodiment, which clearly, can be construed as a "remote" signal activation.

Allowable Subject Matter

Claims 6, 16-18, 21, 23, 24 and 26 are allowed.

Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

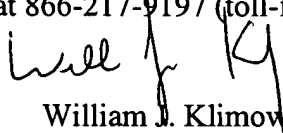
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William J. Klimowicz
Primary Examiner
Art Unit 2652

WJK